

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FBI
RICHARD W. NASH
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2017 JUL 13 PM 12: 31

Alterik Rogers,

Plaintiff,

v.

Sgt. Manard Reed, et al.,

Defendants.

Case No. 2:14-cv-2750

Judge Michael H. Watson

Magistrate Judge Vascura

ORDER

On June 21, 2017, Magistrate Judge Kemp, to whom this case was referred, issued a Report and Recommendation ("R&R") recommending the Court grant in part and deny in part Defendants' motion for summary judgment. R&R, ECF No. 50.

The R&R advised the parties of their right to file objections to the same and specifically advised that the failure to timely object would result in a waiver of the right to *de novo* review by the Undersigned as well as a waiver of the right to appeal the decision of the District Court. *Id.* at 18. The time for filing objections has passed, and none were filed.

Having received no objections, the Court **ADOPTS** the R&R and grants in part and denies in part summary judgment to Defendants. The Court denies summary judgment to Sgt. Reed and Officer Thompson on Plaintiff's excessive force claims against them in their individual capacities and denies summary judgment to Sgt. Reed on Plaintiff's malicious prosecution claim against him in

his individual capacity. The malicious prosecution claim is **STAYED** pending resolution of *State v. Rogers*, Jefferson County Case No. 14CR012. All other claims are dismissed. The Clerk shall terminate ECF Nos. 42 and 47.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT